seven universities and colleges have conferred their first degrees on members of the entering class, the figures indicating the number of men from each college when there are more than one: Harvard (75), Yale (29), Brown (13), Dartmouth (9), Bowdoin (6), Chicago (5), Princeton (5), Washington and Jefferson (4), Amherst (4), California (4), Bates (3), Georgetown (3), Iowa College, (3), Johns Hopkins (3), Northwestern (3), Western Reserve (3), Wisconsin (3), Beloit (2), Cornell (2), Leland Stanford, Jr. (2), Michigan (2), Nebraska (2), Union (2), Connecticut Wesleyan (2), Williams (2), Alabama, Baylor, College of the City of New York, Colby, Creighton, Denison University, De Pauw, Illinois, Iowa University, Kenyon, Lehigh, Manhattan, Marietta, Massachusetts Institute of Technology, Minnesota, New Brunswick, St. Johns, St. Lawrence, Tufts, Waynesburg, Wooster, Worcester Polytechnic Institute.

GAME LAWS AND THE COMMERCE CLAUSE. — The effect of a fisheries or game law prohibiting the possession of certain fish or game during the close season has recently been considered in the New York Court of Appeals. To proceedings brought for a violation of the statute the defence was set up that the fish in question had been imported from Canada, and the court by a bare majority gave judgment for the defendant. Four judges held that by a fair construction of the act it was not intended to cover the present case, but merely prohibited the possession of fish or game caught or killed within the state. Three of them went further and said that if the statute were to be construed as covering fish and game captured or killed outside the state, it was unconstitutional. The three dissenting judges held that this statute was a legitimate exercise of the police power, and that it was not invalidated by the fact that its operation might indirectly interfere with commerce beyond the boundaries of the state. *People* v. *The Buffalo Fish Co.*, 164 N. Y. 93. The same point was lately raised in a federal court in regard to a Washington statute, which prohibited all sale of certain game within the state. The act was held invalid as being an interference with interstate commerce. *In re Davenport*, 103 Fed. Rep. 540 (Cir. Ct., Wash.).

It is settled authoritatively that the states may not legislate in regard to foreign or interstate commerce save on matters of purely local concern. If the subject-matter of the law admits of only one uniform system throughout the country, the legislative power of Congress is exclusive. Accordingly, acts of a state prohibiting all sales of intoxicating liquors, oleomargarine, etc., have been held unconstitutional. *Leisy* v. *Hardin*, 135 U. S. 100; *Schollenberger* v. *Pennsylvania*, 171 U. S. 1. Until a commodity has been sold, or used, by its importer it is considered as still being an article of commerce, and it is not, therefore, within the legislative control of the state. Thus, in the absence of congressional authority, a state may not forbid the sale of an imported article in the original package. On the other hand, a statute prohibiting the sale of oleomargarine so colored as to resemble butter has been upheld by the Supreme Court on the ground that it merely prevented the practice of a fraud upon the public and was therefore within the police power *Plumley* v. *Massachusetts*, 155 U. S. 461. Again, in considering a statute which prohibited the exportation of game killed within the state, that court has expressly held that owing to the duty of the state to preserve for its people

a valuable food supply, the right to protect game is within the police power of a state, and that this power "may be none the less efficiently called into play because by so doing interstate commerce may be remotely and indirectly affected." *Geer* v. *Connecticut*, 161 U. S. 519.

As to the matter of construction in the New York case, the words of the statute are explicit, and a previous New York statute on the subject, which is similarly phrased, has been held to cover imported game as well as that killed within the state. *Phelps* v. *Racey*, 60 N. Y. 10. Hence the view of the majority of the court on this point seems open to criticism. In regard to the more general question as to the right of a state to prohibit the possession or sale of imported game, the narrow distinctions made in some of the more recent cases appear to leave it open to doubt whether the Supreme Court might not find reason to treat this case as another exception to the harsh rule of *Leisy* v. *Hardin*. Moreover, Congress has never expressly legislated in regard to this particular subject. It would seem, therefore, that the supervision of the whole matter rests not with the judiciary, but with Congress, for it is to that body that the Constitution has intrusted the power to regulate interstate and foreign commerce. 2 Thayer's Cases on Constitutional Law, 2191.

SUIT BY CORPORATION FOR SLANDER OF ITS OFFICER. — The great and ever increasing number of corporations assuming all the functions of individuals has created a tendency in modern decisions to assimilate as far as possible the rights and duties of corporations to the rights and duties of natural persons. This tendency is marked by the fact that it is law today that a corporation may sue or be sued in actions of such personal nature as deceit, libel, and slander. Morawetz on Corporations, 2d ed. vol. 2, p. 727.

Brayton v. *Cleveland Special Police Co.*, 57 N. E. Rep. 1085 (Ohio), was an attempt on the part of a corporation to recover damages for loss of business due to the defendant's defamation of its general manager and treasurer. The case may be considered from two points of view: as an action of slander based on the theory that the slander of the general manager involves a slander of the corporation, or as a special action to recover for consequential injuries resulting from the slander of a third person. On the first view the case fails, as is pointed out by the court; an action of slander is personal, and can only be brought by the person directly defamed. The second view presents the question as to whether an action on the case can be maintained for consequential injuries due to the slander of a third person, where the injuries so resulting were intended. The general rule is that such an action will not lie; the reason usually stated being that it is impossible to satisfy the court that the defamatory words were the legal cause of the injuries. Odgers, Libel and Slander, 3d ed. p. 15. An English court, however, has allowed a recovery in an action by a grocer for damage to his trade, resulting from the slander of his wife who worked in his shop. *Riding* v. *Smith*, L. R. 1 Ex. 91. He did not sue for an implied slander to himself in his trade, but for the damage to his business, the legal cause of which was the defendant's wrongful act. On the strength of this decision the Circuit Court of Ohio gave judgment for the plaintiff in the principal case. The Supreme Court, however, distinguished the case from *Riding* v. *Smith*, *supra*, on the ground that the slander of Maher